

Message Text

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ORIGIN COME-00

INFO OCT-01 EA-09 ISO-00 EB-07 STR-04 L-03 AGR-10 ITC-01

TRSE-00 CIAE-00 INR-07 NSAE-00 /042 R

DRAFTED BY COM:BIEPR:OTP:IND:RWATKINS

APPROVED BY ?B/OCA/CD:EMFEATHERSTONE

COM:BIEPR:OTP:IND:HBRATT

STATE:EA:J:DBROWN (PHONE)

STATE:EB:OT:TA:RMEYER (PHONE)

STR:ELAPP (PHONE)

COM:OGC:JKENWORTHY

EA/EP:MHENDERSON (INFO)

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P 062236Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

UNCLAS STATE 029809

E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: FOREIGN RACE HORSE RESTRICTION

REF : (A) 75 TOKYO 18223

(B) 75 STATE 295847

1. COMMERCE TRANSMITTED SUBSTANCE REFTEL A TO COMPLAINANT, DR. R. J. PARK, ROYAL PARKER RANCH, LANCASTER, CALIFORNIA. PARK CURRENTLY HAS HORSES IN JAPAN WHICH HAVE BEEN ALLOWED LIMITED RACING PRIVILEGES BY JAPAN RACING ASSOCIATION (JRA).

2. PARK SAYS HE IS BRINGING LEGAL ACTION AGAINST JRA IN JAPANESE COURTS IN EFFORT TO ELIMINATE RESTRICTIONS ON FOREIGN HORSE PARTICIPATION. LITIGATION BASED ON DISCRIMINATION IN VIOLATION OF JAPAN'S OBLIGATIONS UNDER GATT AND FCN TREATY (NATIONAL TREATMENT PROVISIONS). PARK HAS REQUESTED

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USG ASSISTANCE IN PURSUING ALLEGED GATT AND FCN TREATY

VIOLATIONS.

3. USG PREFERS TO LEND ASSISTANCE WITHOUT BECOMING INVOLVED IN LEGAL COMPLEXITIES OF GATT AND FCN TREATY. ACCORDINGLY, REQUEST EMBASSY MAKE LOW KEY INFORMAL REPRESENTATION TO JRA AND EXPRESS CONCERN OVER DISCRIMINATORY

ASPECTS OF JRA REGULATIONS AND USG DESIRE FOR MUTUALLY ACCEPTABLE ACCOMMODATION BETWEEN PARK AND JRA. EMBASSY SHOULD USE ITS OWN DISCRETION CONCERNING EXTENT OF INVOLVEMENT AS IT IS NOT INTENDED THAT EMBASSY ASSUME ROLE OF BROKER BETWEEN PARK'S COUNSEL AND JRA.

4. TO ASSIST IN EVALUATION OF LEGAL QUESTION, REQUEST EMBASSY INVESTIGATE AND REPORT ON FOLLOWING ITEMS:
(A) PARK CLAIMS JRA BOARD OF DIRECTORS APPOINTED BY MINISTRY OF AGRICULTURE AND FORESTRY (MAF) AND THAT MAF PROVIDES FINANCIAL SUPPORT TO JRA. PLEASE INVESTIGATE RELATIONSHIP BETWEEN MAF AND JRA. (B) PARK CONTENDS GOJ EXCHANGE CONTROLS PROHIBIT REPATRIATION BY FOREIGN HORSE OWNERS OF THEIR WINNINGS IN JAPAN. PLEASE CONFIRM.
PARA 4, REFTTEL A DEALT ONLY WITH JOCKEYS AND SPECTATORS.
(C) PLEASE INVESTIGATE UNDER WHAT PROVISIONS JRA

IS ALLOWING PARK'S HORSES THE LIMITED RACING PRIVILEGES DESCRIBED IN PARA 1 ABOVE.

5. FYI. PARK'S LAWYER IN JAPAN (NAME UNKNOWN) PLANNING CONTACT EMBASSY E/C SECTION ON MONDAY, FEBRUARY 9 TO PROVIDE FURTHER INFORMATION. PARK VERY ANXIOUS FOR QUICK ACTION IN ORDER TO BE ABLE TO PARTICIPATE IN UPCOMING LARGE PURSE RACES IN MARCH AND APRIL. END FYI. SISCO

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HORSES, POLICIES, LITIGATION, TRADE CONTROLS, TRADE COMPLAINTS, FCN AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 06 FEB 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE029809
Document Source: CORE
Document Unique ID: 00
Drafter: BIEPR:OTP:IND:RWATKINS
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760046-0922
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760272/aaaactv.tel
Line Count: 93
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN COME
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 TOKYO 18223
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 02 SEP 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 SEP 2004 by meiwc>; APPROVED <09 SEP 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FOREIGN RACE HORSE RESTRICTION
TAGS: ETRD, JA, US, GATT, JAPAN RACING ASSOCIATION, JRA, (PARK, R J)
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006